Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Review of the Commission's Rules Governing the 896-901/935-940 MHz Band	)	WT Docket No. 17-200
	)	

COMMENTS OF ONCOR ELECTRIC DELIVERY COMPANY LLC

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SUMMARY

Oncor Electric Delivery Company LLC ("Oncor") does not object to the proposed realignment of the 900 MHz band to create a broadband segment. Any such reconfiguration, however, must fully protect Oncor's extensive 900 MHz narrowband network, which Oncor uses to direct field teams in the maintenance and restoration of Oncor's electric transmission and distribution system covering a significant portion of Texas. Oncor is a critical infrastructure licensee, providing electric service to 3.6 million homes and businesses. Oncor recently increased its operating territory in Texas and its 900 MHz network will need to be extended to cover these new areas. The ability for incumbent licensees to continue to expand their networks is an important consideration in the proposed realignment of the 900 MHz frequencies.

Oncor has already participated in cooperative discussions with companies that are interested in operating broadband networks using a portion of the 900 MHz band. Oncor would be willing to reach agreement on the realignment of its network as long as the reconfiguration process is conducted on a fully voluntary basis involving direct negotiations between 900 MHz licensees and broadband applicants. The Commission should reject any proposed realignment approach that includes mandatory elements because that will undercut the incentive of all parties to reach voluntary agreements that are fair and equitable to all parties. As prior experience with other rebanding efforts demonstrate, a mandatory process would greatly delay and increase the costs of any realignment of this spectrum.

The Commission should also affirm that the realignment costs of incumbent 900 MHz licensees will be fully reimbursed in the reconfiguration process. The Commission has a long standing policy of reimbursing the relocation costs of incumbent licensees, recognizing that such reimbursement greatly accelerates the introduction of new wireless services to the public.

Providing compensation for realignment is also equitable in that it ensures that such expenses are not imposed indirectly on consumers, such as through higher electric rates. Recoverable expenses should include all costs that are attributable to the reconfiguration process, including the cost of new radios that may be necessary to replace older radios that cannot be reliably retuned.

To ensure that the throughput and reliability of incumbent 900 MHz networks are preserved, the Commission should also adopt rules that require existing licensees to receive replacement frequencies that provide equivalent bandwidth and coverage for every frequency pair surrendered. Some incumbent licensees may also need to be assigned additional frequency pairs to address any reduction in coverage area that may result from the repacking of 900 MHz channels into a smaller portion of the band.

Incumbent 900 MHz networks must also be fully protected from any additional interference resulting from the introduction of broadband operations in adjacent frequencies. To this end, the Commission may need to change its interference protection rules to ensure that the construction of cellularized broadband networks does not result in harmful interference to existing high-site/high-powered networks operated by incumbent licensees.

Finally, both during and following the realignment, the Commission must permit 900 MHz licensees to continue to modify and expand their networks if the circumstances for such expansion are justified. Specifically, the Commission should modify its freeze on new and modified licenses to permit 900 MHz licensees, particularly those in critical infrastructure industries, to expand or modify their networks to address new communications requirements. Such a limited exception would create no appreciable risk that speculative applications may be filed for 900 MHz licenses during the pendency of this proceeding.

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Oncor Electric Delivery Company LLC ("Oncor") herein comments on the Notice of Proposed Rulemaking ("*NPRM*") addressing the proposed realignment of the 900 MHz band to create a broadband segment. Together with its subsidiaries, Oncor operates the largest electric transmission and distribution system in Texas, serving 3.6 million homes and businesses. To ensure the reliability of its service, Oncor uses hundreds of narrowband channels in the 900 MHz band to provide push-to-talk communications for its maintenance and restoration field personnel.

Despite the critical importance of Oncor's 900 MHz communications network, Oncor does not object to the proposed realignment of the 900 MHz band to designate a portion of the spectrum for broadband as long as the Commission ensures that:

- The realignment process is conducted on a voluntary basis involving direct negotiations between incumbent licensees and 900 MHz broadband applicants,
- The migration costs of incumbent licensees are fully reimbursed, including the costs of any new radios to replace older units that cannot be retuned reliably,
- Incumbent licensees are provided replacement 900 MHz frequencies with equivalent bandwidth and coverage for every frequency pair surrendered,
- Incumbent networks are fully protected from any additional interference resulting from the introduction of broadband operations in adjacent frequencies, and
- Incumbent licensees are not precluded from expanding their networks both during and following the realignment process.

Oncor addresses each of these critical issues in its comments below. In addition, Oncor urges the Commission to promptly alter its freeze on modifications to existing 900 MHz licenses to add new frequencies or coverage areas.[1] Like many critical infrastructure licensees, Oncor needs to make periodic additions to its 900 MHz network, including in Oncor's case to address the acquisition or construction of assets in new territories. The Commission should therefore promptly create an exception to its freeze to permit existing 900 MHz licensees that can demonstrate legitimate and compelling business requirements to secure authority to make modifications to their licenses.

I. ONCOR'S 900 MHZ NETWORK PROVIDES CRITICAL COMMUNICATIONS TO SUPPORT FIELD PERSONNEL RESPONSIBLE FOR MAINTENANCE AND EMERGENCY RESTORATION

Oncor's electric transmission and distribution network is the largest in the state of Texas, with assets principally located in the north-central, eastern, and western parts of the state. Through this network, Oncor provides critical electric service to a territory that covers very rural areas and also metropolitan areas, including Dallas/Ft. Worth and its surrounding suburbs. Oncor's service territory stretches south to Round Rock near Austin and west past Odessa to the border with New Mexico. Providing highly reliable electric service across its territory, which comprises more than 110 counties and more than 400 incorporated municipalities, presents significant challenges, including the coordination of field crews that must traverse the state and complete installations and repairs in remote areas to ensure the reliability of Oncor's electric transmission and distribution system.

[1] *See Wireless Telecommunications Bureau Announces Temporary Filing Freeze on the Acceptance of Certain Part 90 Applications for 896-901/935-940 MHz (900 MHz Band) Spectrum*, Public Notice, DA 18-949 (WTB Sept. 13, 2018) ("*Freeze Public Notice*") (initiating a freeze on the acceptance of applications to, *inter alia*, modify licenses by adding frequencies or locations).

To address these challenges, particularly when or where commercial networks are not or may not be reliably accessible, Oncor's field crews are supplied with more than 2,500 mobile radios installed in vehicles and more than 300 portable radios. To interconnect these radios, Oncor maintains about 110 leased and owned tower sites, which are backhauled to Oncor's dispatch centers with approximately 50 control stations using a combination of fiber and private microwave.[2]

Oncor's wireless communications requirements could not be solely supplied by commercial wireless carriers because Oncor's signal coverage in certain areas is more extensive than commercial carriers and also because Oncor's communications network must remain operational when commercial networks go down, whether for a limited or an extended period of time. Oncor's electric network, after all, is the power source for commercial networks. Therefore, following major disruptive events, Oncor's crews must restore power in order to enable most commercial services to resume operations. To support this activity, each of Oncor's transmitter sites employ backup power resources that are compliant with the requirements of the Electric Reliability Council of Texas and other regulatory authorities.

The resiliency of Oncor's 900 MHz communications network must be maintained including during any realignment of the 900 MHz band. Oncor's 900 MHz radios operate both in those frequencies that the Commission has proposed for broadband and also in each of the proposed narrowband segments. Oncor would therefore need to move its narrowband

[2] Oncor indicated in previous comments that it filed with the Commission that Oncor is implementing smart grid applications that will require additional narrowband and broadband capabilities. *See NPRM*, ¶ 18 n.46 (*citing* Oncor Electric Delivery Company LLC's Comments in Response to Petition for Rulemaking, RM-11738, at 1-2 (Jan. 12, 2015). Oncor has since completed a substantial upgrade to its point-to-point fixed microwave system interconnecting its transmission tower sites. Therefore, Oncor does not anticipate that it will seek to be a licensee or user of such broadband frequencies.

frequencies out of the proposed broadband segment, while ensuring that the new frequencies are compatible with Oncor's extensive operations that are already in the two narrowband segments.

As a second challenge, Oncor's transmitters and radios are relatively old. Oncor has consulted with its radio manufacturer and was informed that its crystal-based radios cannot be retuned or modified with replacement crystals. Therefore, the retuning of Oncor's 900 MHz network will likely require the acquisition of new radios and transmitters. Despite these challenges, Oncor is willing to undertake the realignment process as long as it is conducted in a manner that protects Oncor's operations and provides full reimbursement for Oncor's expenses.

II. THE COMMISSION SHOULD FACILITATE THE REALIGNMENT OF THE 900 MHZ BAND SOLELY THROUGH VOLUNTARY NEGOTIATIONS BETWEEN INCUMBENT LICENSEES AND BROADBAND APPLICANTS

Oncor recognizes that the Commission has significant experience in reconfiguring frequency bands in order to increase efficiency and introduce new communications services to the public. The Commission's authority for these activities is well founded. In fact, Section 7 of the Communications Act instructs that "[i]t shall be the policy of the United States to encourage the provision of new technologies and services to the public."[3]

In carrying out these duties, the Commission has experimented with both voluntary and compulsory reconfigurations and, at times, a combination of the two. Each time the Commission has chosen a compulsory reconfiguration process (or a hybrid process with compulsory elements), the resulting reconfiguration has been adversarial, protracted, and far more expensive than projected. No better example exists than the reconfiguration of the 800 MHz band, which was

[3] Communications Act § 7; *see also* Pub. Law No. 98-214, § 12, 97 Stat. 1471 (1983) (adding Section 7 to the Communications Act).

begun in 2004, was required to be completed within three years,[4] and is still not finished today, 15 years later, at a cost that is vastly in excess of original estimates.[5]

The Commission's *NPRM* acknowledges the inherent benefits in using a voluntary negotiation process, noting that "realignment of the 900 MHz band may be best achieved by allowing those parties with knowledge of incumbents' existing operations and future needs to engage in market-based negotiations to clear the new broadband segment."[6] This is certainly the case in Texas, where Oncor has already been in cooperative discussions for a number of years with companies that have expressed interest in using a portion of the 900 MHz band for broadband services. The *NPRM* also acknowledges that a voluntary process will be much faster in most markets, observing that the proposed use of a market-driven voluntary approach is intended to "facilitate faster broadband deployment in this band, relative to other possible approaches."[7]

Consistent with this, Oncor is concerned about proposals that would begin as a voluntary process and subsequently convert to mandatory relocation after a certain period of time. The *NPRM*, for example, raises this possibility that broadband applicants could impose mandatory relocation on perceived "hold outs" once they have reached voluntary agreements with a certain

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[4] *See* Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004) ("*800 MHz Reconfiguration Order*"), Separate Statement of Chairman Michael K. Powell (explaining that the 800 MHz reconfiguration must be completed within three years).

[5] The 800 MHz reconfiguration process was estimated to cost between $850 million (Nextel's estimate) and $3 billion (CTIA's estimate). *See 800 MHz Reconfiguration Order*, ¶ 214. The cost so far has been approximately $3.6 billion. *See* 800 MHz Transition Administrator, LLC Quarterly Progress Report for The Quarter Ended December 31, 2018, WT Docket No. 02-55, at 18 (March 1, 2019), *available at* http://www.800ta.org/content/reporting/QPR_12.31.18.pdf (*last visited* May 21, 2019).

[6] *NPRM*, ¶ 26.

[7] *Id.*, ¶ 38.

percentage of narrowband licensees in a particular community.[8] Such a process would be voluntary in name only in that all narrowband licensees would be compelled to accept potentially unfavorable negotiated agreements early in the process rather than hold out for an equitable relocation agreement and thereby risk being forced into the mandatory process. Oncor therefore opposes this approach even though the *NPRM* appropriately proposes to exempt complex systems from mandatory relocation.[9] The *NPRM* would define complex systems as involving 65 or more integrated 900 MHz sites,[10] which would definitely include Oncor's expansive network.

Oncor also opposes the *NPRM* proposal that the Commission conduct an overlay auction that would give auction winners the authority to force incumbent licensees to relocate their operations.[11] Surprisingly, the *NPRM* references the 800 MHz reconfiguration as a possible model for such a process.[12] As noted previously in these comments, the still-ongoing 800 MHz reconfiguration was a highly litigious and inefficient process that consumed vast Commission resources and the resources of thousands of FCC licensees (and their attorneys) in a protracted chain of cost estimates, application forms, progress reports, extension requests, mediations and, for some, court cases, much of which should have been avoided. Therefore, Oncor urges the Commission to avoid replicating the 800 MHz reconfiguration in the 900 MHz band, or in any other frequency segment.

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[8] *See id.*, ¶ 38.

[9] *See id.*

[10] *See id.*

[11] *See id.*, ¶¶ 42-45.

[12] *See id.*, ¶ 45.

Finally, Oncor opposes the use of an incentive auction to identify 900 MHz licensees that may be willing to surrender their licenses in exchange for compensation.[13] Given the critical importance of Oncor's 900 MHz network to the safety and efficiency of its field workers, Oncor would not participate in an incentive auction. The *NPRM*, however, suggests that non-participating 900 MHz licensees would be subject to mandatory repacking in order to create a broadband segment.[14] Such a compulsory repacking should be avoided because it would inevitably result in an adversarial, expensive and lengthy process of negotiation and potentially litigation between the parties. Further, it would inject the Commission staff directly into the negotiation process, since the repacking would be conducted by the Commission before any winners of the forward auction have been identified. To avoid these administrative and legal complexities, the Commission was correct in concluding that a voluntary process can produce the most expedient and efficient realignment of the 900 MHz band and therefore should be adopted.

III. THE COMMISSION MUST ENSURE THAT THE REALIGNMENT COSTS OF INCUMBENT LICENSEES ARE FULLY REIMBURSED, INCLUDING ANY NECESSARY COSTS FOR NEW RADIOS

The *NPRM* appears to acknowledge that a necessary component of any realignment of the 900 MHz band is the reimbursement of incumbent licensees for their reconfiguration expenses.[15] The Commission has a long standing and well supported policy that incumbent licensees should be reimbursed for their relocation costs to clear spectrum for new entrants.[16] As the Commission

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[13] *See id.*, ¶¶ 48-55.

[14] *See id.*, ¶ 49.

[15] *See id.*, ¶ 42 (noting the necessity that any new entrant "pays for appropriate relocation costs" of incumbent licensees).

[16] *See, e.g.,* Small Entity Compliance Guide, Advanced Wireless Services Spectrum, (AWS-1 Auction), 21 FCC Rcd 9098, 9098, 9102 (2006) (noting that "[l]ong-standing Commission

has explained, its relocation policy "is based on the premise that such reimbursement might help new services to be deployed more quickly than if reimbursement was not otherwise provided."[17] Thus, this compensation promotes the efficient use of spectrum resources and is therefore consistent with the Commission's statutory obligations.

Given this history, Oncor is concerned about references in the *NPRM* that discuss the option of an incentive auction and raise questions about whether licensees that do not participate in such an auction would receive reimbursement for their expenses in the repacking of the 900 MHz band during the incentive auction process.[18] Regardless of the realignment approach that the Commission employs, incumbent licensees must be reimbursed for their relocation expenses, which would prevent regulated utility customers from having to bear the utility's relocation costs.

Further, the *NPRM* may be incorrect in suggesting that the relocation costs will be relatively low in all cases because existing 900 MHz radio equipment is interoperable across the

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relocation policies require new licensees who benefit from the clearing of spectrum to reimburse incumbents for their reasonable band clearing costs"); Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service, ET Docket No. 95-18, *Second Report and Order and Second Memorandum Opinion and Order*, 15 FCC Rcd 12315, ¶ 97 (2000) (explaining that "[o]ur relocation policy generally requires any party who benefits from a prior relocation to reimburse the relocating licensee for a fair portion of its expenses"); Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies, ET Docket No. 92-9, *First Report and Order and Third Notice of Proposed Rulemaking*, 7 F.C.C.R. 6886, 6889-90 (1992), *Second Report and Order*, 8 F.C.C.R. 6495 (1993), *Third Report and Order and Memorandum Opinion and Order*, 8 F.C.C.R. 6589 (1993), *Memorandum Opinion and Order*, 9 F.C.C.R. 1943 (1994), *Second Memorandum Opinion and Order*, 9 F.C.C.R. 7797 (1994).

[17] Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use, *Report and Order*, 15 FCC Rcd 13430, ¶ 67 (2000).

[18] *See NPRM*, ¶ 50 (requesting comment on "whether to reimburse any costs of relocating existing incumbents and, if so, how significant those costs likely would be").

entire band and therefore would only require incumbents to retune their existing radio equipment.[19] Oncor's extensive network currently uses three different mobile radios including MDX, MTD, and M5300 models originally purchased from General Electric, but now part of the Harris product line. For portable radios, Oncor uses MPA, LPE, P5300, and MRK models, also now under Harris. Based on discussions with its radio manufacturer, it is Oncor's understanding that its crystal-based radios cannot be retuned or modified with replacement crystals. Therefore, the retuning of Oncor's 900 MHz network will likely require the acquisition of new radios and transmitters.

Oncor is also concerned about a suggestion in the *NPRM* that incumbent licensees could be required to accept "comparable facilities."[20] Although the term seems innocuous, in the 800 MHz reconfiguration, it occasionally included forcing incumbent licensees to accept used radio equipment, the origin and history of which were unknown. Given the size and complexity of Oncor's network and the need to ensure that it operates reliably in extreme conditions, Oncor would be very reluctant to accept radio equipment that lacks a certification and warranty from its original manufacturer.

Of course, all of these complexities can be avoided if the Commission adheres to its proposal to realign the 900 MHz band solely through a voluntary process. This would avoid the administrative and legal complexities of a compulsory reconfiguration, leaving the negotiation of relocation expenses and their compensation to incumbent licensees and broadband applicants, without the active involvement of the Commission or a third party administrator.

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[19] *See id.*, ¶ 50.

[20] *Id.*, ¶ 45.

IV. INCUMBENT 900 MHZ LICENSEES MUST BE PROVIDED WITH REPLACEMENT FREQUENCIES WITH EQUIVALENT BANDWIDTH

Critical infrastructure licensees such as Oncor must be assured that the realignment of the 900 MHz band does not impede their ability to operate their narrowband communications network in a comprehensive and reliable manner. A necessary component of this assurance is mandating that all narrowband licensees have the option to receive replacement frequencies that provide equivalent geographic coverage and throughput capacity as their existing networks. As the *NPRM* recognizes, because of constraints caused by short-spaced licenses and other factors, some incumbent licensees may need to be assigned more frequencies than they are currently authorized to use.[21] For this reason, the *NPRM* correctly acknowledges that incumbent licensees should not be assigned replacement spectrum holdings that exceed their current spectrum holdings in a county, "except where doing so is necessary to achieve equivalent coverage and/or capacity."[22]

Further, to facilitate a truly voluntary realignment of the 900 MHz band, the Commission should authorize broadband applicants to use a portion of the 3 MHz of paired broadband spectrum to create additional narrowband channels for incumbent licensees in those communities where the spectrum that is available for narrowband use is insufficient to accommodate the existing coverage and throughput requirements of incumbent licensees. Such flexibility would greatly increase the likelihood that the realignment of the 900 MHz band will be completed expeditiously in those communities where the 900 MHz band is already used heavily by incumbents.

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[21] *See id.*, ¶ 36.

[22] *Id.*

V. INCUMBENT NETWORKS MUST BE PROTECTED FROM HARMFUL INTERFERENCE RESULTING FROM THE INTRODUCTION OF BROADBAND OPERATIONS IN THE CENTER OF THE 900 MHZ BAND

The *NPRM* recognizes that incumbent narrowband licensees, particularly those supporting critical infrastructure, must be protected from harmful interference both during and following the completion of the realignment process.[23] The *NPRM*, however, raises legitimate questions about whether the Commission's existing rules are adequate to achieve this requirement. As the NPRM observes, the existing rules protect 900 MHz licensees using a minimum spacing criteria of at least 113 kilometers between base stations, with closer spacing permitted when certain signal mitigation conditions are present, such as through the use of lower base station heights and radiated power levels.[24]

This minimum separation distance approach works effectively to avoid interference between homogeneous high-site/high-power narrowband licensees. It is unclear, however, whether such protection measures would be adequate to protect narrowband networks from the interference resulting from relatively low-site, high-density multi-cellular systems that are usually constructed to support commercial broadband services. In fact, interference resulting from very similar spectrum sharing conditions involving incompatible network architectures in the 800 MHz band forced the Commission to require the reconfiguration of that spectrum in 2003.[25]

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[23] *See id.*, ¶ 33 (explaining that the Commission seeks to protect incumbents from potential interference that might result from the prospective broadband licensee's co-channel operations).

[24] *See id*, ¶¶ 32, 71-73 (*citing* 47 C.F.R. § 90.621(b)).

[25] *See 800 MHz Reconfiguration Order*, ¶ 142 (acknowledging that "the root of the instant [interference] problem lies in fundamentally incompatible mix of two types of communications systems in the 800 MHz band: cellular-architecture multi-cell systems—used by cellular telephone and ESMR licensees—and high site systems—used by public safety, private wireless and non-cellular SMR licensees").

In expressing concern about this issue, Oncor acknowledges that it does not have the answer to this highly technical question. Given the uncertainty that surrounds this issue, Oncor stresses that the Commission should devote significant technical resources to this analysis before any realignment is initiated. Further, the Commission should strongly affirm the *NPRM*'s proposal to impose an ongoing obligation on broadband licensees that they are "responsible for preventing harmful interference to narrowband operations and for resolving any interference in the shortest time practicable."[26] Such an approach is appropriate to ensure that, as broadband licensees identify their broadband infrastructure requirements, they adequately take into consideration the need to protect co-channel and adjacent channel narrowband licensees.

VI. INCUMBENT LICENSEES MUST BE PERMITTED TO EXPAND THEIR 900 MHZ NETWORKS BOTH DURING AND FOLLOWING THE REALIGNMENT

As Oncor explained in the introduction to these comments, Oncor's 900 MHz network is not only critical to its current operations, but also to provide communications to support critical infrastructure activities in expanded portions of its electric service territory. For example, Oncor recently completed an acquisition of a Texas transmission utility, InfraREIT, Inc., which added Amarillo, Texas and its surrounding communities to the regions that Oncor serves. Oncor therefore must rapidly expand its 900 MHz network into that territory to facilitate communications with the field workers that integrate these newly added electric assets with Oncor's existing transmission and distribution network. The need to expand Oncor's 900 MHz network raises two issues that are directly relevant to this proceeding.

First, the Commission should refrain from adopting any approach that would artificially exhaust the current availability of unused narrowband frequencies in the 900 MHz band.

[26] *See NPRM*, ¶ 73.

Specifically, to prevent premature exhaustion, the Commission should reject proposals to create a single 5 megahertz broadband channel,[27] or to auction a 5 megahertz overlay license.[28] The 900 MHz band remains critically important for narrowband communications that cannot be shifted efficiently to other frequency bands or services.

The Commission should also refrain from considering the transition of the entire 900 MHz band to broadband in "particular areas."[29] In seeking comment on this proposal, the Commission observes that there may be some areas where 900 MHz narrowband channels are not being used.[30] That is not the case in rural Texas, where Oncor's network covers its entire service area. Further, those prospective broadband providers that have communicated with Oncor have not expressed much interest in deploying broadband to very rural areas. Broadband providers appear primarily interested in serving major cities, such as Dallas/Ft. Worth, where narrowband frequencies are already heavily used by Oncor and other operators. Thus, a 5 megahertz broadband channel may have little practical utility in those locations where the 900 MHz band remains largely fallow.[31] The Commission should therefore refrain from considering the reconfiguration of the entire 900 MHz band for broadband operations in any areas in Texas.[32]

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[27] *See id.*, ¶ 20.

[28] *See id.*, ¶ 45.

[29] *See id.*

[30] *See id.*

[31] *See id.* (noting that the 900 MHz band is largely fallow in Cass County, North Dakota).

[32] *See id.*, ¶ 20 (seeking comment on whether to designate the entire 900 MHz band for broadband operations).

Second, the Commission should immediately alter its freeze on the filing of modification applications by incumbent 900 MHz licensees in order to add new frequencies or expand their coverage. The Commission imposed a blanket freeze in September of last year on new applications or modifications that add frequencies or service areas, describing this measure as "temporary."[33] The *NPRM*, however, repeatedly states that the freeze will eventually be lifted only "to allow incumbents to file applications necessary to effectuate relocation."[34] Thus, the freeze could remain in place indefinitely with respect to incumbent licensees that need to expand their narrowband 900 MHz networks.

Such an indeterminate approach is incompatible with the Commission's recognition that "[n]arrowband operations continue to be critical to certain users" of the 900 MHz band.[35] Oncor, for example, relies on its 900 MHz network to ensure that reliable electric service is delivered to all of the consumers and businesses within its territory. The Commission needs to accommodate changes in network coverage requirements that are justified adequately by incumbent licensees. For example, as noted above, Oncor recently completed an expansion of its service territory to include Amarillo, Texas and Oncor now needs to expand its 900 MHz coverage in that area.

The Commission should therefore issue a second public notice that establishes a narrow exception to its freeze to permit existing 900 MHz licensees that can demonstrate legitimate and compelling business reasons to secure authority to make modifications to their licenses. Such a narrow exception would in no way impede the underlying purpose of the freeze, which was to limit "the potential for speculative applications that might be filed in anticipation of potential future

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[33] *See Freeze Public Notice* at 1

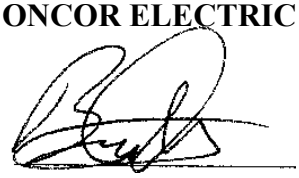
[34] *NPRM*, ¶¶ 15, 36, 40 and 42.

[35] *Id.*, ¶ 1.

actions by the Commission."[36] At the same time, the continued grant of such FCC applications is necessary for the safety and integrity of Oncor's electric transmission and distribution system and for the continued provision of products and services to consumers by countless other 900 MHz narrowband licensees.

Respectfully submitted,

ONCOR ELECTRIC DELIVERY COMPANY LLC

By: 

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[36] *Freeze Public Notice* at 1.